

EXHIBIT

13

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF MISSOURI

3 KAREN BACKUES KEIL,)

4 Plaintiff,)

5 V.) Case No.
6) 5:18-CV-06074-BP

7 MHM SERVICES, INC., a)
8 Virginia Corporation,)
9 JOHN DUNN, and EDWARD BEARDEN,)

10 Defendants.)

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE WESTERN DISTRICT OF MISSOURI

13 LYNSEY BETZ,)

14 Plaintiff,)

15 V.) Case No.
16) 5:18-CV-06079-FJG

17 EDWARD BEARDEN, et al.,)
18 Defendants.)

19 IN THE UNITED STATES DISTRICT COURT
20 FOR THE WESTERN DISTRICT OF MISSOURI

21 ASHLEY ZIESER,)

22 Plaintiff,)

23 V.) Case No.
24) 5:18-CV-06103-FJG

25 EDWARD BEARDEN, et al.,)
Defendants.)

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF MISSOURI

3 TERI DEAN,)

4 Plaintiff,)

5 V.) Case No.
6) 5:18-CV-06022-SRB

7 EDWARD BEARDEN, et al.,)
8 Defendants.)

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE WESTERN DISTRICT OF MISSOURI

11 JANE DOE,)

12 Plaintiff,)

13 V.) Case No.
14) 19-cv-6161BP

15 EDWARD BEARDEN,)
16 In his Individual Capacity,)
17 Defendant.)

18 DEPOSITION OF VEVIA STURM
19 Taken on behalf of Plaintiffs

20 The deposition of VEVIA STURM, a witness
21 called at the instance of the Plaintiffs, for
22 purposes of DISCOVERY taken on March 16, at 9:00
23 a.m., via Zoom, before Erika Schuster, Illinois
24 Certified Shorthand Reporter No. 084-004660,
25 pursuant to notice.

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APPEARANCES

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On Behalf of the Defendants.

1 (Pages 1 to 4)

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1 rules of deposition, but let's do a quick
2 reminder. If at any point you need a break, let
3 me know, okay?
4 A. Okay.
5 Q. If I ask you a question and you don't
6 understand, you'll let me know that you don't
7 understand; can you agree with that?
8 A. I will.
9 Q. If you answer a question, I'll assume
10 that you understood the question.
11 A. Correct.
12 Q. Is my volume okay? Can you hear me
13 all right?
14 A. I probably need to turn mine up, but
15 I'm not sure how to do that. I think I'm okay.
16 I'm going to have to be.
17 Q. The rest of you like Nick, the volume
18 is okay? All right.
19 Okay. Prior to this deposition, I
20 don't want to know what conversations you had
21 with your lawyers, but did you talk to anybody
22 else other than your lawyers to prepare for
23 today?
24 A. No.
25 Q. Did you review any documents either

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1 A. Department of Corrections.
2 Q. What is your title?
3 A. PREA manager.
4 Q. How long have you held that post?
5 A. I've been the PREA coordinator since
6 January 1st, 2011. On June 1st, 2017, the
7 investigators moved under me, the PREA special
8 investigators moved under me, and I became the
9 PREA manager over the investigations and
10 compliance.
11 Q. You're going to have to help me here.
12 So what is the difference between PREA -- and
13 let's define some terms. When you say PREA, what
14 do you mean?
15 A. Prison Rape Elimination Act.
16 Q. Thank you. Tell me the difference
17 between what you did as PREA manager with what
18 you did as PREA coordinator.
19 A. As PREA coordinator, I implemented
20 the PREA standards which are federal regulations
21 within the Department of Corrections within our
22 facilities. I oversaw compliance issues, audits
23 to make sure we stayed in compliance with PREA
24 standards. As PREA manager, I still have the
25 compliance piece, I also oversee and supervise

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1 electronically or physically to prepare for
2 today?
3 A. I reviewed the case on Dunn.
4 Q. Okay. Did you review any other cases
5 or any other investigations?
6 A. No, I did not.
7 Q. We're going to talk to you about just
8 some general background. This will be very
9 quick, but things I need to ask you. What is
10 your highest level of education that you
11 received?
12 A. A bachelor's degree.
13 Q. And in what subject or what major?
14 A. Psychology.
15 Q. Do you have any postgraduate work at
16 all.
17 A. No.
18 Q. And where did you get your degree
19 from?
20 A. Lincoln University.
21 Q. That's in Jefferson City?
22 A. It is.
23 Q. And in what year was that?
24 A. 1993.
25 Q. Where are you currently employed?

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1 the investigators for Office of Professional
2 Standards.
3 Q. And remind me what year did that
4 happen where you became PREA manager?
5 A. June 1st, 2017.
6 Q. Am I right in saying that the jobs of
7 PREA coordinator are still your job that was
8 consumed in your new title; is that right?
9 A. Still my job, yes. I do both.
10 Q. When did you first start working at
11 the Missouri Department of Corrections?
12 A. I started in December 1st, 1998.
13 Worked here for two years in a prison setting,
14 left, went to Department of Mental Health for
15 five years and came back in 2005, January, I
16 think.
17 Q. And the first time you were at DOC,
18 what position did you have?
19 A. I was a case manager.
20 Q. And when you came back the second
21 time, how did you come in? What position?
22 A. Reentry coordinator.
23 Q. Have you ever been a corrections
24 officer?
25 A. I have not.

3 (Pages 9 to 12)

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- 1 A. Yes.
- 2 Q. And tell me about that? Where do you
- 3 go to give training and what does it look like?
- 4 A. I train all what we call -- the
- 5 deputy wardens that are the site coordinators, I
- 6 do those trainings, until COVID, a couple of
- 7 times a year. We have one coming up in May. All
- 8 the deputy wardens that are involved in PREA
- 9 comes in and we start from beginning and go
- 10 through how to do your job as a PREA coordinator.
- 11 I've been involved in training
- 12 investigators. When PREA first started, we
- 13 developed training and trained all of the
- 14 investigators.
- 15 Q. And do you personally give the class
- 16 and do the training?
- 17 A. Which time?
- 18 Q. Any of them?
- 19 A. Yes. Whenever I do the deputy
- 20 wardens, yes, for sure. And whenever I was
- 21 involved in the first and second training, I was
- 22 part of the team that presented, yes.
- 23 Q. You said it kind of quickly. I think
- 24 you said deputy warden PREA coordinator?
- 25 A. Yes.

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- 1 Q. Is that one person or is that two
- 2 people?
- 3 A. I'm sorry. Each prison has two
- 4 deputy wardens and one of the deputy wardens has
- 5 been selected as the site coordinator, and so
- 6 he's the deputy warden/PREA coordinator and he
- 7 coordinates the activities in his facility to
- 8 ensure compliance.
- 9 Q. But he or she would be the PREA site
- 10 coordinator?
- 11 A. Yes.
- 12 Q. Have you ever written any articles or
- 13 papers about PREA?
- 14 A. No.
- 15 Q. Have you developed yourself any of
- 16 the training materials, PowerPoint, slides or
- 17 handouts or that sort of thing?
- 18 A. Yes.
- 19 Q. Ms. Sturm, who is your direct
- 20 supervisor? Who do you report to?
- 21 A. Matt Briesacher.
- 22 Q. And Mr. Briesacher, we've heard his
- 23 name a lot. What is his title?
- 24 A. He is the director of OPS, Office of
- 25 Professional Standards, and also our legal

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- 1 counsel, one of them.
- 2 Q. And who does he report to?
- 3 A. Our director, Director Precythe.
- 4 Q. Is there any part in the flowchart,
- 5 any duties, responsibilities where you report
- 6 directly to the director?
- 7 A. No.
- 8 Q. How often do you have contact with
- 9 Director Precythe would you say?
- 10 A. Periodically. I have a meeting this
- 11 afternoon with her. We have other initiatives
- 12 going on where I'm in meetings with her, but not
- 13 often. A few times a year whenever need be.
- 14 Q. Is your meeting today about these
- 15 cases?
- 16 A. It is not. It is about the audits.
- 17 Q. Okay. I had to case. I'm just doing
- 18 my job. So let's break that down a little bit
- 19 more. In any given month, how often would you
- 20 say you have an in-person meeting with Director
- 21 Precythe or you're present in a meeting where
- 22 she's present?
- 23 A. I would say once every three months
- 24 maybe.
- 25 Q. That you're in a meeting where she's

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- 1 present?
- 2 A. Yes.
- 3 Q. Are there any times where it's just
- 4 the two of you?
- 5 A. Today it will only be just the two of
- 6 us, but very seldomly. Normally it's a group
- 7 meeting.
- 8 Q. How often would you say you have
- 9 e-mail communications where Director Precythe is
- 10 on an e-mail either copied or she's the recipient
- 11 or she's sending e-mail to you?
- 12 A. Not often. I don't know the answer
- 13 to that.
- 14 Q. Are you aware of any e-mails that you
- 15 and Ms. Precythe have both been on regarding any
- 16 of these cases?
- 17 A. No.
- 18 Q. Have you had any conversations with
- 19 Ms. Precythe about any of these cases?
- 20 A. No.
- 21 Q. Can you tell me why that is?
- 22 A. Because I report to Matt Briesacher.
- 23 Q. Do you know if she's had any
- 24 conversations with Ms. Precythe about these
- 25 cases?

8 (Pages 29 to 32)

1 A. I do not.
 2 Q. What conversations have you had with
 3 Mr. Briesacher about these cases?
 4 A. Not much. This was in 2017. That's
 5 quite a long time ago. The only conversation,
 6 the most recent I can recall is whenever we
 7 administratively closed some cases because the
 8 FBI was involved in them.
 9 Q. We're going to talk about that.
 10 A. Okay.
 11 Q. I'm going to ask you about lawsuits.
 12 If a female offender files a PREA lawsuit
 13 alleging sexual abuse, sexual assault against a
 14 corrections officer in Missouri, do you get told
 15 about that, or does that information get to you
 16 when there's a lawsuit?
 17 A. Normally not, no. Only if I'm going
 18 to be deposed.
 19 Q. So if a corrections officer is sued
 20 by a female offender and we know it goes to the
 21 Attorney General's office from the legal side,
 22 but who within DOC gets told about the lawsuit as
 23 you know?
 24 A. Matt Briesacher.
 25 Q. Is there anybody else?

1 A. I have no idea.
 2 Q. Do you know if the director gets told
 3 about lawsuits?
 4 A. I have no idea.
 5 Q. What if there's multiple lawsuits
 6 against a corrections officer? Do more people
 7 get involved if there are multiple lawsuits?
 8 A. I have no idea.
 9 Q. At some point you became aware that
 10 Mr. Bearden, a corrections officer, was being
 11 sued; is that right?
 12 A. Yes.
 13 Q. We'll come back to that in a minute.
 14 Ms. Sturm, I want to clear up some of
 15 the early basics and then we'll move on. In your
 16 position as PREA manager now, do you travel to
 17 the various prisons or do you stay in Jeff City?
 18 A. I travel.
 19 Q. How often have you in the last year,
 20 would you say, that you've been in the women's
 21 prisons?
 22 A. I have not this last year.
 23 Q. And I know with the virus it's not
 24 the safest thing to do. Before the virus, how
 25 often would you have gone to the women's prisons?

1 A. Based on what is needed. Whenever it
 2 is an audit year, I go for a mock audit. I go
 3 back for the audit. I'm onsite during all of
 4 that. If we have issues going on in the prisons,
 5 I could go and meet with staff to train them.
 6 Q. Okay. We're going to talk about the
 7 investigators whom you supervise. Other than the
 8 investigators, do you supervise anybody else?
 9 A. I have a clerical staff member, my
 10 administrative assistant, and I have my
 11 assistant -- my assistant PREA manager, but he's
 12 also an investigator and he helps supervise the
 13 investigators.
 14 Q. And who is that?
 15 A. Darren Snellen.
 16 Q. I'm going to read you some names and
 17 I want you to briefly describe your relationship
 18 to them within DOC and how you work together.
 19 A. Okay.
 20 Q. And I believe he's no longer there,
 21 but an investigator named Shreve Bentley?
 22 A. Yes, he worked for me.
 23 Q. And is it true that he is no longer
 24 at DOC?
 25 A. It is true.

1 Q. Do you know why he left?
 2 A. He got a really good job with the
 3 National Guard.
 4 Q. Okay. All right. And so you
 5 supervised Mr. Bentley; is that right?
 6 A. I did, yes.
 7 Q. Would you have been his supervisor
 8 when he investigated John Dunn?
 9 A. Yes.
 10 Q. Would you have been his supervisor
 11 when he investigated Mr. Bearden with Karen
 12 Backues' allegations?
 13 A. Yes.
 14 Q. Did you supervise Mr. Bentley when he
 15 investigated anything else about Mr. Bearden?
 16 A. That's vague. I don't know.
 17 Q. Okay.
 18 A. There could have been investigations
 19 before I was ever in this position. I have no
 20 idea.
 21 Q. I understand that. Do you remember
 22 supervising Mr. Bentley when he investigated any
 23 of the women we've mentioned already as
 24 plaintiffs in these lawsuits?
 25 A. I can't recall.

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- 1 City Star article about Lynnsey Betz' lawsuit?
 2 A. I don't recall.
 3 Q. And is a newspaper story about a
 4 lawsuit a reason that you would start an
 5 investigation?
 6 A. Yes, if there's a new victim.
 7 Q. Or June 5th of 2018, were you aware
 8 of any other investigation of Mr. Bearden at that
 9 time?
 10 A. Probably at that time. Today, I'm
 11 not. I can't be for sure.
 12 Q. When did you become aware that Karen
 13 Kiel, also known as Karen Backues, had also filed
 14 a lawsuit against Mr. Bearden?
 15 A. I have no idea.
 16 Q. Do you know -- so you don't know if
 17 before June 5th you become aware of that?
 18 A. No, I do not know that.
 19 Q. What I'm trying to figure out is who
 20 connects the dots at DOC? If there's multiple
 21 lawsuits against the same corrections officer who
 22 is watching that to say, hey, we may have a
 23 problem?
 24 A. Lawsuits or investigations?
 25 Q. Let's talk about lawsuits.

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- 1 A. Lawsuits, it would be Matt
 2 Briesacher.
 3 Q. And what about if there are multiple
 4 connections, whose job is it to connect the dots
 5 and say we've got three investigations of Mr.
 6 Bearden, we've got a problem?
 7 A. We know. The investigators know.
 8 The PREA unit knows. It's -- like I mentioned
 9 before, it's in every one of the reports, all the
 10 open investigations, all the closed
 11 investigations concerning a PREA allegation will
 12 be noted in the report.
 13 Q. Let's look at Exhibit 6. Do you see
 14 Exhibit 6 on your screen?
 15 A. I do, yes.
 16 Q. Okay. Are you familiar with this
 17 form or this investigation?
 18 A. Well, it's an investigative report
 19 done by Carrie and Adam. I -- let's see. Who is
 20 that? It looks like Karen Backues and CO
 21 Bearden. That's really all I know about it.
 22 Q. Have you seen this before today?
 23 A. Not that I recall, no.
 24 Q. What is the date of this report? Can
 25 you tell?

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- 1 A. It looks like June 14th, 2018.
 2 Q. So when you assigned the
 3 investigation regarding Lynnsey Betz after the
 4 Kansas City Star article about Mr. Bearden, were
 5 you aware that Ms. Pfeifer had an ongoing
 6 investigation regarding Mr. Bearden as well?
 7 A. What was the date on the assignment
 8 of the other case? I don't recall.
 9 Q. I think it was June 5th, June 8th.
 10 June 5th or 8th. It was a little bit before
 11 this. We can go back to it if you want.
 12 A. That's fine. I'm assuming I did
 13 know, yeah.
 14 Q. Did your assignment of the
 15 investigation regarding Lynnsey Betz, in that
 16 assignment did you say anything to the
 17 investigators about looking at ongoing
 18 investigations of Mr. Bearden?
 19 A. I don't have to. They do that all of
 20 the time. It's standard practice. Was it
 21 standard practice in 2018 with this investigator?
 22 I don't know. It should be.
 23 Q. Okay.
 24 A. Have you looked?
 25 Q. No.

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- 1 A. Okay.
 2 Q. This is the end of this report.
 3 A. Right.
 4 Q. And on the summary, it seems to say
 5 Backues claims she was sexually abused by Bearden
 6 upward of 20 times over a six-year period and
 7 then it says Backues wasn't able to recall any
 8 specific date and time; do you see that?
 9 A. I do see that.
 10 Q. And this was unsubstantiated,
 11 correct?
 12 A. Exactly.
 13 Q. Do you know the reasons this report
 14 was unsubstantiated?
 15 A. From the finding section, it looks
 16 like there was absolutely no evidence other than
 17 Ms. Backues' testimony. That's it. There's no
 18 evidence. There's no dates, there's no times.
 19 It's a late report.
 20 Q. So when a woman says a guard raped
 21 her, you say that there's no evidence, right?
 22 MR. BUCHHEIT: Objection,
 23 argumentative. Calls for facts not in evidence.
 24 A. It's not enough. It's not enough
 25 just to get -- if we substantiated every report

23 (Pages 89 to 92)